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CIA Budget Secrecy Is Upheld

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A federal judge yesterday upheld the CIA's right to keep its budget secret, saying that disclosure of the amount it spends on intelligence gathering could "cause serious damage to national security."

The ruling was made by U.S. District Judge John Lewis Smith Jr. in a Freedom of Information Act suit brought by Morton H. Halperin, a former aide on the National Security Council.

Halperin had sought the agency's budget for the fiscal year that ends June 30 and a statement of how much money it actually spent—and the way its was spent—in fiscal year 1974.

Smith said the data were exempt from provisions of the act because they properly had been classified "secret" under the provisions of an executive order concerning national security.

Smith noted that Congress had repeatedly refused to disclose CIA budget figures and reaffirmed this position in the recently completed investigation of the CIA by a Senate Select Committee headed by Sen. Frank Church (D-Idaho).

He also quoted former CIA Director William E. Colby as saying in an affidavit filed in the Halperin case:

"It is not the average man that is going to be studying (a released) statement. It is a very careful analyst that is going to be comparing this information with a lot of other information, looking for the consistencies and inconsistencies. . . .

"It will give him a benchmark, a flat, absolute benchmark, which quite frankly, in somewhat similar situations, has been very valuable to us and has caused us to change our previous estimates (of other intelligence services) by considerable margins in the past."

Judge Smith said the CIA had introduced into evidence a letter from President Ford to the Church investigating committee "indicating that publication of the overall intelligence budget figure could adversely affect foreign intelligence efforts and would not be in the public interest."

Smith said that the "unauthorized disclosure of such information could reasonably be expected to cause serious damage to national security and to the capacity of the CIA to conduct effective intelligence gathering."